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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/698,720      | 10/31/2003  | James M. Schaller    | 121347-03           | 1565             |

35684 7590 11/08/2004

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EXAMINER


KIM, SANG K

ART UNIT PAPER NUMBER

3654

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |   |   |
|------------------------------|--------------------------------------|---|---|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/698,720 | <b>Applicant(s)</b><br>SCHALLER, JAMES M. |   |
|                              | <b>Examiner</b><br>SANG KIM          | <b>Art Unit</b><br>3654                   |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/31/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the latch gear assembly" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Shea et al., U.S. Patent No. 5787923.

With respect to claim 1, Shea '923 shows a hose reel (10) which comprises: a spool (18) for receiving a length of hose (12) thereon; a mounting bracket (24); a fluid inlet tube (14) having a central axis and coupling the spool (18) to the mounting bracket (24) so that the spool (18) can rotate about the central axis of the fluid inlet tube (14) with respect to the mounting bracket (24); and a mechanical rewinding mechanism (i.e. using a spring 82) coupled to the spool (18), the spool including a hub assembly

Art Unit: 3654

(20...etc.) and a pair of spool flange plates (left and right flange of 18) attached to opposite sides of the hub assembly, the hub assembly comprising, as an integral element thereof, a latch gear (126....etc.) having a plurality of teeth (142) that cooperate with a rewinding latch mechanism (i.e. using a spring 82), see figures 1-5.

With respect to claim 2, Shea '923 shows the latch gear (126...etc.) is supported on an annular bracing structure (a round hub) that is an integral element of the hub assembly (20...etc.), see figures 1 and 4.

With respect to claim 5, Shea '923 shows the mechanical rewinding mechanism includes a spring housing (102..etc.) containing a spiral spring (82) and the hose reel (18) includes a spring biased pawl (144) which is pivotally coupled to the spring housing and positioned to cooperate with latch gear (126..etc.), see figures 1 and 4.

With respect to claim 6, Shea '923 shows the hub assembly includes a central hub (near 16) that includes a spring catch (117) and the spiral spring has an inner end (120) that is configured to engage the spring catch, see figure 5.

With respect to claims 7-8, Shea '923 shows the spring housing (102...etc.) coupled to the mounting bracket (24) and a hose guide (near 154) that is coupled to the mounting bracket (24) and includes a through-opening (near 154) that is framed by plurality of rollers (154), see figure 1.

It has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 and 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shea et al., U.S. Patent No. 5787923, in view of Li, U.S. Patent No. 4832074.

With respect to claims 3 and 4, Shea '923 does not show a hub assembly with a plurality of radial spokes which support hub sections (i.e. known as a spider shape support).

Li '074 shows a hub assembly (near 53) with a plurality of radial spokes (no reference number assigned) which support hub sections (no reference number assigned), see figure 10.

Shea '923 discloses the claimed invention except for show a hub assembly with a plurality of radial spokes which support hub sections. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Shea '923 to add a hub assembly with a plurality of radial spokes which support hub sections as taught by Li, to provide a stronger support for the hub (i.e. known as a spider shape support).

With respect to claims 10-13, 15 and 17-19, as advanced above, Shea '923 shows a hose reel (10) which comprises: a spool (18) for receiving a length of hose (12) thereon; a mounting bracket (24); a fluid inlet tube (14) having a central axis and coupling the spool (18) to the mounting bracket (24) so that the spool (18) can rotate

Art Unit: 3654

about the central axis of the fluid inlet tube (14) with respect to the mounting bracket (24); and a mechanical rewinding mechanism (i.e. using a spring 82) coupled to the spool (18), the spool including a hub assembly (20...etc.) and a pair of spool flange plates (left and right flange of 18) attached to opposite sides of the hub assembly (claim 19), the hub assembly comprising, as an integral element thereof, a latch gear (126....etc.) having a plurality of teeth (142) (claim 15) that cooperate with a rewinding latch mechanism (i.e. using a spring 82), see figures 1-5.

Shea '923 does not show a hub assembly with a plurality of radial spokes which support hub sections (i.e. known as a spider shape support).

Li '074 shows a hub assembly (near 53) with a plurality of radial spokes (no reference number assigned) which support hub sections (no reference number assigned), see figure 10.

Shea '923 discloses the claimed invention except for show a hub assembly with a plurality of radial spokes which support hub sections. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Shea '923 to add a hub assembly with a plurality of radial spokes which support hub sections as taught by Li, to provide a stronger support for the hub (i.e. known as a spider shape support).

With respect to claims 14 and 20, Shea '923 shows the hub assembly includes a central hub (near 16) that includes a spring catch (117).

Art Unit: 3654

With respect to claim 16, Shea '923 shows the outward projecting teeth (142) are arranged in at least one segment that includes a group of teeth (142..142) that are preceded and followed by a recess (no reference number), see figure 4.

It has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shea et al., U.S. Patent No. 5787923, in view of Lin, U.S. 2004/0094204 A1.

Shea '923 shows a plurality of mechanical fasteners but does not extend through each of the spool flange plates.

Lin '204 shows a plurality of mechanical fasteners (63) which extend through each of the spool flange plates, see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Shea '923 to make the fasteners extend through each of the spool flange plates as taught by Lin, to secure the reel and eliminate extra fasteners.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 703-305-3712.

Art Unit: 3654

The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

10/30/04



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